

EXHIBIT 3

LISA SUAREZ
DRK PHOTO vs. JOHN WILEY & SONS

June 18, 2012

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1 AMERICAN ARBITRATION ASSOCIATION

2 Case No. AAA 76 143 00193 11

3 DRK PHOTO,

4 Plaintiff,

5 vs.

8 JOHN WILEY & SONS, INC.,

9 Defendant.

13 DEPOSITION UNDER ORAL EXAMINATION OF:

14 LISA SUAREZ

15 June 18, 2012

16 REPORTED BY: JENNIFER L. WIELAGE, CCR

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18 ESQUIRE DEPOSITION SOLUTIONS
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1 don't know who the exact person would be.

2 Q. Do they keep records of what they do
3 with respect to takedowns?

4 A. They do, they should.

5 Q. And have you been able to look at
6 those records in preparation for your testimony?

7 A. I have not.

8 Q. And who is the head of that
9 department?

10 A. I don't know.

11 Q. Do you know anybody who works in that
12 department?

13 A. Tom Spire.

14 Q. Aside from the validations for
15 particular websites, access to websites and I guess
16 by this registration code, this validation, are there
17 any other -- is there any other way that you could
18 determine who accesses those sites and the number of
19 those who access it?

20 A. Access to the content?

21 Q. Yes. In other words, aside from the
22 registration code or the validations, is it possible
23 that any other users have access to the online
24 publications that contain photographs by courtesy
25 passwords or any other method?

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1 A. Usually it's secure, so the only
2 method would be either by website or by professor
3 requests for access from the Profeal system.

4 Q. Are those requests recorded as a
5 validation?

6 A. Yes.

7 Q. Is it possible for the professor to
8 then give out his code to students?

9 A. No.

10 Q. And why is that not possible?

11 A. Because the student would have access
12 to all the professor's information.

13 Q. If he were to provide the code?

14 A. It's not a code. It becomes the
15 professor's account and the professor would be
16 responsible for that account.

17 Q. I understand. But if a professor
18 chose, could he or she provide students access to
19 these electronic publications through their own
20 account -- through the public -- the professor's
21 account?

22 A. The student would have to sign onto
23 the professor's account and it would be one sign-on.
24 I mean a professor would be crazy for doing that
25 because that he had have access to all his

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1 information, test banks and stuff that you wouldn't
2 want a student to see.

3 Q. Oh, I see.

4 Is there any other way that as a
5 courtesy or in a way that would not be reflected by a
6 validation of a registration or a registration code,
7 I really don't understand if those are the same or
8 not, for someone to access the publications online?

9 A. No.

10 Q. Is there a difference between
11 "validation" and "registration code"?

12 A. There can be.

13 Q. What would be the difference?

14 A. A registration code could be
15 something generic that you hand out like the Wiley
16 Plus card is a generic card, but once somebody
17 validates it, they get access to particular content
18 so just because you have a registration card doesn't
19 necessarily mean that somebody has access to the
20 content.

21 Q. Is there any way for someone who has
22 an access card to Wiley Plus to permit others to use
23 that card?

24 A. No, the card is one-time use and it
25 has to be for a course that's set up and that's why

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1 validations are the most important thing to track.

2 Q. And is that what your numbers track?

3 A. Yes.

4 Q. What do "net sales" mean?

5 A. Net sales are usually gross sales,
6 less returns.

7 Q. And directing your attention to Bates
8 numbers 4, 5 and 6, which are -- I think we were just
9 looking at them up here before, there's -- 4, I guess
10 is the only one --

11 MR. BARKER: Yeah.

12 MR. HARMON: Thank you.

13 BY MR. HARMON:

14 Q. And those would be, just for clarity
15 of the record, S-10, S-8 and S-9.

16 Do you know why there are separate
17 charts created?

18 A. They're separate titles so it was
19 just probably pulled at a separate request time.

20 Q. In other words, each chart has the
21 same information but with respect to different
22 titles?

23 A. Yes.

24 Q. But they would be groups of titles,
25 correct?